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August 19, 2016

VIA ECF

Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Colin Washington v. City of New York, et al., 2015-CV-8922 (AJN)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York and attorney for defendants City of New York and Detective Ericks Rodriguez (hereinafter “defendants”) in the above-referenced matter. I write on behalf of the parties to provide the Court with a joint letter in advance of the August 26, 2016 initial conference.

(1) Brief Statement of the Nature of the Action

By letter filed June 24, 2016, the parties provided the Court with a description of the principal claims and defenses asserted in this matter. (*See* Docket Entry No. 16). This action arises from the arrest of plaintiff on October 22, 2013 in connection with a robbery reported to the NYPD by two non-parties on October 13, 2013. Plaintiff disputes the existence of probable cause for his arrest and subsequent prosecution, while defendants contend that there was probable cause for plaintiff’s arrest and prosecution based on the complaining victims’ reports and the resulting police investigation. (*See* Docket Entry No. 16 at pp 1-2).

(2) Explanation of Jurisdiction and Venue

As set forth in the plaintiff’s complaint and the parties June 24, 2016 letter, the Court has federal question jurisdiction over the instant claims arising under Section 1983. The

Southern District of New York is a proper venue for the action because the alleged incident occurred in New York County, of which Mr. Washington is a resident.

(3) Outstanding Motions and Requests to File Motions

No motions or requests to file motions are currently pending. However, defendants reserve the right to file a motion for summary judgment at the conclusion of the discovery period.

(4) Existing Discovery and Need for Further Discovery

The parties have exchanged documents and information pursuant to Local Rule 33.10 when this matter was designated for participation in S.D.N.Y. mediation. The parties further intend to interpose requests for documents and interrogatories, and to conduct depositions of the named parties and relevant non-party witnesses during the discovery period.

(5) Prior Settlement Discussions

The parties reached a tentative agreement to settle this matter during mediation pursuant to Local Rule 33.10, but were unable to finalize the agreement based on a dispute over the signing of a general settlement release.

(6) Estimated Length of Trial

The parties estimate a trial length of 3 days.

(7) Any Additional Information that May Assist the Court

The parties submit that there is no additional information to provide at this time.

The parties thank the Court for its consideration herein.

Respectfully submitted,

/s/ Alexander Noble

Alexander Noble
Assistant Corporation Counsel

VIA ECF
cc: Ryan Lozar
Counsel for Plaintiff